



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

# Physical Therapy Board of California

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1

## Board Members

### President

Katarina Eleby

### Vice-President

Alicia Rabena-Amen, PT, MPT

### Members

Debra Alviso, PT, DPT

Jesus Dominguez, PT, PhD

Daniel Drummer, PT, DPT

James Turner, MPA

Carol Wallisch, MA, MPH

## Physical Therapy Board of California Adopted Meeting Minutes

February 10, 2016 9:00 a.m.

February 11, 2016 9:00 a.m.

**Department of Consumer Affairs  
2005 Evergreen Street,  
Hearing Room  
Sacramento, CA 95815**

## Board Staff

Jason Kaiser, Executive Officer

Liz Constancio, Manager

Elsa Ybarra, Manager

Brooke Arneson, Associate

Analyst

2 For the sake of clarity, agenda items discussed during the meeting follow their original order on  
3 the agenda in these minutes; however, some agenda items may have been taken out of order  
4 during the meeting.

5

### 6 **1. Call to Order, Roll Call and Establishment of Quorum**

7

8 The Physical Therapy Board of California (Board) meeting was called to order by Katarina  
9 Eleby at 9:14 a.m. on February 10, 2016. The Board recessed at approximately 3:00  
10 p.m. and reconvened at 9:00 a.m. on February 11, 2016. All members were present and  
11 a quorum was established. Also present at the meeting were Angelique Scott, Legal  
12 Counsel; Jason Kaiser, Executive Officer; Brooke Arneson and Elsa Ybarra, Board staff.

13

### 14 **2. Special Order of Business –February 10, 2016 9:00 a.m.**

15

#### 16 **(A) Hearing on Petition for Reduction of Penalty – Anthony Delzompo, PT**

17

18 After submission of the matter(s), the Board convened in closed session to deliberate per  
19 Government Code section 11126(c)(3).

20

21 Once issued, disciplinary decisions can be found on the Board's website at

22 [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

23

### 24 **3. Closed Session**

25  
26 **(A) Pursuant to Government Code section 11126(c)(3)**  
27 **Deliberation on Disciplinary Actions**  
28

29 Once issued, disciplinary decisions can be found on the Board's website at  
30 [www.ptbc.ca.gov](http://www.ptbc.ca.gov).  
31

32 **(B) Pursuant to Government Code section 11126(a)(1)**  
33 **Evaluation of Executive Officer**  
34

35 **(C) Adjourn Closed Session**  
36

37 **4. Reconvene Open Session**  
38

39 **5. Review and Approval of November 4 & 5, 2015 Meeting Minutes**  
40

41 Ms. Arneson presented the November 2015 minutes for the Board's consideration. Mr.  
42 Turner questioned the move towards "briefer" minutes. Mr. Kaiser explained that based  
43 on input from the Board and discussion with the President, the minutes were drafted  
44 with minimal detail while capturing relevant discussion. Mr. Turner indicated he was in  
45 support but requested the minutes reflect complete thought. He stated the minutes  
46 make note of his question about current staffing levels [as reported within the Executive  
47 Officer's report agenda item #5] but don't reflect specifically his question nor the  
48 response.  
49

50 The Board questioned the minutes as follows:  
51

52 Page 11, line 120 – Dr. Alviso questioned whether the reference to the 2016  
53 Rulemaking Calendar was accurate? Ms. Arneson responded it was.

54 Page 12, line 168 – Dr. Alviso noted the minutes reflect the vote was 4-0 when there  
55 were five members present. Mr. Kaiser responded he thought Ms. Rabena-Amen  
56 abstained. Dr. Alviso requested the vote be reflected accurately.

57 Page 12, line 183 – Ms. Eleby expressed concern with serving as both the delegate and  
58 alternate backup as indicated in the minutes. Dr. Alviso wondered whether it was  
59 supposed to be Dr. Dominguez or Dr. Drummer serving as the backup for the Board at  
60 the Federation of State Boards of Physical Therapy's Annual Conference.  
61

62 Approval of the minutes as amended was delayed until staff researched the accuracy of  
63 the concerns expressed.  
64  
65  
66  
67  
68  
69

70 **6. Consumer and Professional Associations and Intergovernmental Relations**  
71 **Reports**

72  
73 **(A) Federation of State Boards of Physical Therapy (FSBPT)**  
74

75 No representatives were present.

76 **(B) Department of Consumer Affairs (DCA)**

77 Awet Kidane, Director and Christine Lally, Deputy Director of Board and Bureau  
78 Relations presented on the BreEZe release; the Little Hoover Commission hearings;  
79 presentation of DCA's Enforcement Academy's new curriculum; employment of two new  
80 staff, Tracy Montez, Chief of the Division of Programs and Policy Review and Veronica  
81 Harms, Deputy Director of Communications; Board member training requirements and  
82 the efforts to mitigate the effects on the Board resulting from the North Carolina Board  
83 of Dental Examiners v. FTC.

84 **(C) California Physical Therapy Association (CPTA)**  
85

86 Stacy DeFoe, Executive Director indicated the association has the upcoming events  
87 scheduled, as follows: 1) Physical Therapy Legislative Day at the Capitol on March 8,  
88 2016; Student Conclave at San Diego Mesa on April 9, 2016; and, Physical Therapy  
89 Spring Training at Santa Barbara City College on April 23 & 24, 2016. She also gave a  
90 brief history on animal rehabilitation by physical therapists acting as Veterinary  
91 Assistants under the supervision of a Veterinarian. She indicated there have been  
92 unsuccessful attempts in the past to address the issue by the Veterinary Medical Board  
93 and as a result they are considering forming a committee of stakeholders of which it is  
94 assumed would include a physical therapist. Ms. DeFoe encouraged members to seek  
95 participation.  
96

97 **7. President's Report – Katarina Eleby**  
98

99 **(A) 2016 Meeting Calendar**

100 Dates and locations were discussed and remain as reflected on the calendar.  
101

102 **MOTION: To adopt the dates as noticed.**  
103

104 **M/S: Wallisch/Turner**  
105

106 **VOTE: 7-0 Motion carried**  
107

108  
109 **8. Executive Officer's Report - Jason Kaiser**  
110

111 Mr. Kaiser questioned whether there were any comments or concerns on either the

112 November 2015 due to his absence or the present Executive Officer's report. Hearing  
113 no comments, Mr. Kaiser did express the release of BreEZe in January was a positive  
114 experience and encouraged both public and professional members to take advantage of  
115 its benefits. Mr. Kaiser further responded to questions regarding outreach efforts to  
116 notify consumers and licensees of the BreEZe release. Mr. Kaiser advised it has been  
117 posted on social media and the PTBC website and he is hopeful other organizations  
118 such as the Association and the Physical Therapy Programs will be sharing the news as  
119 well.

120  
121

122 **9. Legislation Report - Brooke Arneson**

123

124 **(A) 2015/16 Legislative Session Summary**

125

126 Ms. Arneson referred the members to the legislative summary included in the agenda  
127 materials and advised only AB 12 and AB 507 remain as bills of interest since the  
128 remaining bills have died.

129

130 **(B) 2015/16 Other Bills Potentially Impacting Physical Therapy Practice or  
131 Regulation or Operation of the Physical Therapy Board.**

132

133 There were no other bills potentially impacting physical therapy.

134

135 **10. Rulemaking Report - Brooke Arneson**

136

137 **(A) 2015/16 Rulemaking Update**

138

139 Ms. Arneson referred the Board to the rulemaking tracking form included in the agenda  
140 materials and advised on the status.

141

142 **(B) Regulatory Language for Board Discussion and Possible Action Regarding Modified  
143 Text on English Proficiency Requirements; Proposed Language to Amend Section  
144 1398.25 and Add Section 1398.26.3 to Article 2, Division 13.2, Title 16 of the California  
145 Code of Regulations**

146

147 Mr. Kaiser advised the Board this agenda item was supposed to be noticed for  
148 discussion of the proposed language on retired status. Since this agenda item was  
149 erroneously noticed the Board refrained from any discussion; however, Mr. Kaiser did  
150 address concerns with the language expressed by the Board at the November, 2015  
151 meeting. The language will be revisited at the May, 2016 meeting.

152

153 **11. DCA Distributed Costs (Pro Rata) Presentation –**

154 *Taylor Schick, DCA Budget Officer, Robert de los Reyes, DCA Budget Manager*

155

156 Mr. Schick distributed materials to support his presentation on the methodology in

157 distributing statewide and department costs to the Board.

158  
159 **12. U.S. Supreme Court Case of North Carolina Board of Dental Examiners v. FTC**  
160 *Angelique Scott, DCA Legal Counsel*

161  
162 Ms. Scott presented on the actions of the North Carolina Board of Dental Examiners  
163 which caused filing of the U.S. Supreme Court case by the Federal Trade Commission.  
164 She expounded on how the North Carolina Board of Dental Examiners lacked authority  
165 to substantiate their actions. Included in the agenda materials Ms. Scott referred to her  
166 memo which encourages the Board to:

167 A) promote their primary mission of consumer protection in making decisions

168 B) articulate the public policy reasons for their decisions;

169 C) conduct an analysis of the procompetitive and anticompetitive aspects of that  
170 decision, and

171 D) articulate in their records (minutes), how the actions taken, will further the state's  
172 affirmatively stated policies.

173  
174 **13. Administrative Services Report**

175  
176 **(A) Budget – Carl Nelson**

177  
178 Mr. Nelson referred the Board to the agenda materials representing the current status of  
179 the Board's budget. Mr. Kaiser advised the Board an augmentation of the budget will  
180 be requested once again since he anticipates over expending Attorney General Costs.  
181 There was further discussion regarding the Board's reserve and the anticipation of the  
182 impact with the fee increase.

183  
184 **(B) Outreach – Jacki Maciel**

185  
186 Mr. Kaiser presented the report included in the agenda book on behalf of Ms. Maciel.  
187 Ms. Rabena-Amen questioned whether members could assist with outreach efforts to  
188 which Mr. Kaiser responded that composition of articles or suggestions of consumer  
189 interest would be well received.

190  
191 **14. Application & Licensing Services Report – Sarah Conley**

192  
193 In presenting her report, Ms. Conley expounded on the discrepancies in the collection of  
194 data. She indicated the numbers have been and currently are collected from CalSTARs  
195 and AdHoc reports which are based on dollars collected and not actual workload.  
196 BreEZe data should be a more accurate reflection of actual workload; however,  
197 reporting format has yet to be determined. Ms. Conley also expressed the  
198 implementation of BreEZe on the actual go live date was impressively seamless.

199  
200 **15. Consumer Protection Services Report – Elsa Ybarra**

201

202 Ms. Ybarra expressed appreciation to those members who were able to attend the  
203 Expert Consultant training held on February 9, 2016 and reported there were 27  
204 participants in attendance. Ms. Eleby and Dr. Dominguez indicated the training was  
205 very informative and insightful and requested the materials be made available to all  
206 members. Ms. Ybarra also reported staff are adapting well to learning the functionality  
207 of BreEZe and are on target with the Performance Measures.  
208

209 **16. Board Member Training – Jacki Maciel**

210  
211 **(A) Form 700**

212  
213 Mr. Kaiser presented a short video on Netfile, a web portal for filing the Statement of  
214 Economic Interest.  
215

216 **17. Public Comment on Items Not on the Agenda**

217  
218 There were no public comments on items not on the agenda.  
219

220 **18. Agenda Items for Next Meeting – May 18 & 19, 2016**

221  
222 Ms. Wallisch requested the prohibition of physical therapist probationers to bill Blue  
223 Shield for services be a topic of discussion at the May, 2016 meeting.  
224

225 **19. Adjournment**

226  
227 The Board concluded the meeting on Thursday, February 11, 2016 and adjourned at  
228 approximately 2:00 p.m.